

Congress of the United States
Washington, DC 20515

November 6, 2023

The Honorable Antony Blinken
Secretary
U.S. Department of State
Washington, DC 20520

Dear Secretary Blinken,

The annual summit for member economies of the Asia-Pacific Economic Cooperation (APEC) will take place in San Francisco on November 15th. We are writing to express alarm that the Biden Administration has reportedly issued an invitation to the Chief Executive of the Hong Kong Special Administrative Region (SAR), John Lee Ka-chiu, which he declined.

Chief Executive Lee was placed under U.S. sanctions in 2020 pursuant to Executive Order 13936 for his role as Hong Kong's Security Secretary in implementing the National Security Law imposed by the government of the People's Republic of China (PRC) to crack down on pro-democracy movement in Hong Kong SAR. The PRC government later rewarded Chief Executive Lee's loyalty by promoting him to the position of Hong Kong's Chief Executive in July 2022.

In response to congressional inquiries on the matter, the State Department informed congressional staff in July that "the United States will not invite... John Lee because of the sanctions against [him] and we have informed government officials in... Hong Kong of this decision. We have said we would invite only non-sanctioned officials."¹ When this news was made public, the PRC Ministry of Foreign Affairs lambasted the decision with a "demand" that the United States "correct its wrong move" and to invite Chief Executive Lee to APEC.²

Despite the State Department's assurance of not inviting Chief Executive Lee to Congress, on November 1st, the Hong Kong SAR stated that Chief Executive Lee had "personally received" an invitation from the United States to attend the APEC summit but that he would not be able to attend due to "scheduling reasons." If true, this would mean that the State Department either deliberately lied to or misled Congress in July or later caved to the PRC demand, or both.³ When provided the opportunity in a briefing with our offices to refute Hong

¹ Email exchange between State Department and Congressional staff (July 21, 2023).

² Kanis Leung, *China demands US invite Hong Kong leader to economic meeting, adding to strains over crackdown*, ASSOCIATED PRESS (July 28, 2023) available at www.apnews.com/article/hong-kong-john-lee-washington-apec-sanction-8a4ba51c3bde291c1e0a7a4b6bf0b6db.

³ *Press Release*, THE GOVERNMENT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION (Nov. 1, 2023) available at www.info.gov.hk/gia/general/202311/01/P2023110100661.htm.

Kong government statements that Chief Executive Lee received an invitation, Senior Official for APEC Matt Murray did not directly refute these reports. Instead, he stated that the State Department sent a written invitation to the Hong Kong government to send an official to attend the APEC Leader's Summit.

The Hong Kong SAR stated that in lieu of Chief Executive Lee, it would dispatch Paul Chan, the Financial Secretary, to attend. This is in and of itself problematic. As you know, the *Hong Kong Human Rights and Democracy Act of 2019* (P.L. 117-328) requires you to annually certify whether Hong Kong holds the high degree of autonomy it enjoyed when transferred to the control of the PRC in 1997. Since 2020, no U.S. Secretary of State, including you, has certified that Hong Kong enjoys this autonomy. Therefore, Hong Kong does not warrant treatment under U.S. law in the same manner as it was applied in 1997.⁴ Inviting any Hong Kong official to APEC would be tantamount to recognizing Hong Kong as a separate economy from the PRC, when in fact, and according to U.S. law, it is not. We urge you to immediately rescind your invitation to Secretary Chan; otherwise, the PRC will receive disproportionate representation at the summit.

Therefore, we respectfully request that you respond to the following as soon as possible but no later than November 13, 2023:

1. Did the administration issue an invitation, or any other written communication regarding APEC, to Chief Executive Lee, even if he later declined it?
2. If yes, who made this decision and when? Will you publicly refute claims made by the Hong Kong Government that Chief Executive Lee was personally invited to APEC?
3. Please provide copies of the formal invitation, or any other written communication regarding APEC, extended to Chief Executive Lee and the entire Hong Kong SAR delegation.
4. Was the decision to extend an invitation, or other written communication regarding APEC, to Chief Executive Lee a topic of discussion during the visit of the Director of the Chinese Communist Party's Foreign Affairs Commission Wang Yi from October 26-28, and did the demand by the PRC Ministry of Foreign Affairs in July impact the decision?
5. Will you refute claims made by the Hong Kong Government that Chief Executive Lee was personally invited to APEC?
6. Does continued recognition of the Hong Kong SAR as an APEC member economy distinct from the PRC contradict annual certifications made by the Secretary of State

⁴ 2023 *Hong Kong Policy Act Report*, U.S. DEP'T OF STATE (Mar. 31, 2023) available at www.state.gov/2023-hong-kong-policy-act-report/.

under P.L. 117-328 that the Hong Kong SAR does not hold the same level of autonomy it enjoyed prior to 1997?

7. Will you rescind the invitation to Secretary Chan and ensure that no officials from the Hong Kong SAR attend the summit, since you have not made the certification pursuant to P.L. 117-328 as to whether Hong Kong SAR has the same level of autonomy it enjoyed prior to 1997?

Thank you for your attention to this important matter and your prompt reply.

Sincerely,

A handwritten signature in blue ink, appearing to read "AG", followed by a horizontal line.

Mike Gallagher
Chairman
Select Committee on China

A handwritten signature in blue ink, appearing to read "M. Rubio", followed by a horizontal line.

Marco Rubio
U.S. Senator

CC: The Honorable Joseph Biden, President of the United States